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08/956,344	10/23/1997	RYOTA TSUKIDATE	041-1964	8578

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/956,344

Applicant(s)

TSUKIDATE ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on PreAmendment (23 Oct 97).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6,8&9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

**On page 32, line 2, states Fig 7, it should state Fig 10.**

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, the phrase "etc." renders the claim(s) indefinite because the claim include(s) elements not actually disclosed (those encompassed by "etc."), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 14-16 and 19-24 rejected under 35 U.S.C. 102(b) as being anticipated by **Chaney et al., US 5,515,106**.

In considering claims 1, 9 and 14,

1) the claimed preparing a master data of program information...**is met by special program guide (Fig 2) which is formed by the scheduler (database) as the comprehensive program guide (col 5, line 11-25)**

2) the claimed preparing a program basic information...**is met by master program guide (Fig 2) which is formed by the scheduler (database) as the simplified guide (col 4, line 18-31)**

3) the claimed transmitting said master data...**is met transmit elements (#1-3) shown in detail Fig 2**

4) the claimed receiving, reproducing and displaying...**is met by the receiver (Fig 4) which receives the signals via tuner/demod 6 and the user is immediately able to display the master program guide (abbreviated guide) (col 5, line 1-3).**

In considering claims 2 and 20,

The claimed wherein said program basic information is prepared by extracting information with higher utilization frequency **is met where the master guide once received is retained in the rate buffer memory, since it is periodically updated and the master guide retention allows for instantaneous changes (col 7, line 21-26)**

In considering claims 3 and 21,

The claimed wherein said program basic information is prepared by extracting data based on predetermined attributes from the master data of the program information is met where the master program guide (abbreviated guide) is prepared by attributes of the scheduler (database) and the special program guide.

In considering claims 4-5 and 22-23,

The claimed wherein the attributes serving...is met where the master program guide may include items shown in Table 1 of the scheduler/database (col 4, line 18-31).

In considering claims 6 and 24,

Chaney discloses a system which uses a scheduler data base where the information is summarized as shown in Table 1, where item/description are listed next to the sequential number of the particular file. Chaney discloses assigning SCID's to program components which maybe tagged with "type" codes for search purposes (col 3, line 37-54). The arrangement of the master guide is a data file format which allows the receiver microprocessor programming to condition the data for display as a menu programming guide and identify service component packets of programs selected for viewing. Chaney discloses transmitting/receiving packet format (Fig 3) where scheduler database that maintains a sequential list of files incorporate a selected number of files into a guide, the guide to be displayed as a menu programming guide where the guide

**displayed is based on the particular attributes (item/description) associated with the respective files**

In considering claims 7-8,

**Chaney discloses a system where the special guide is transmitted on only one of the carriers (transponders) and the master guide (abbreviated guide) is sent substantially on every carrier or transponder (col 2, line 13-38).**

In considering claims 10 and 15-16,

**Chaney also discloses in the scheduler database may also include common system messages to be transmitted to current subscribers (col 3, line 55-60).**

**Chaney discloses a system which transmits/receives, scheduler (database) information, master program guide information and special program guide information (Fig 1).**

In considering claim 19,

- 1) the claimed receiving means...is met by the television receiver which receives information via antenna 5, tuner/demod 6 (Fig 4)**
- 2) the claimed program information preparing means...is met by controller 15(Fig 4)**
- 3) the claimed storage means...is met by buffer memory 15(Fig 4)**
- 4) the claimed data reproducing means...is met by video processor 22 (Fig 4/5)**
- 5) the claimed control means...is met by microprocessor 17 (Fig 4/5)**

6) the claimed when an instruction... is met where microprocessor 17 access the master guide in memory 15 (col 7, line 63-67 to col 8, line 1-6)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth

in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-18 rejected under 35 U.S.C. 103(a) as being unpatentable over  
**Chaney et al., US 5,515,106.**

In considering claims 17-18, **The examiner takes "OFFICIAL NOTICE" in regards to a system which includes voting and questionnaire data.**

**Chaney discloses a system which transmits/receives scheduler(database) information, master program guide and special program guide information. Chaney discloses a system where a user via user interface 16 (Fig 4) is able to peruse through guide information to ascertain information of particular interest, i.e. time of broadcast, cost of pay per view programs, what movies/sporting events will be shown. Chaney also discloses the scheduler (database) may also include common system messages to be transmitted to current subscribers.**

**Therefore, it would have been obvious to one skilled in the art to recognize that a system which provides the user the ability to peruse the guide information**

**to a desired program/show/feature and is able to also receive messages from the subscriber provider would also be able to send voting/questionnaire data based on viewers selections and subscriber providers program availability.**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700

B.P.Y.

24 FEBRUARY 2002

  
**JOHN W. MILLER  
PATENT EXAMINER**